

Serial No.: 10/072,015
Atty. Dkt : MIO0053VA/40509.187

REMARKS

By this response, claims 1, 3, 6, 14, and 19-21 have been amended. No new matter has been entered. Accordingly, claims 1-7 and 13-21 are pending in this application.

Rejection under 35 USC 112, first paragraph.

Claims 14-18 are rejected under 35 USC 112, second paragraph, as being indefinite. As claim 14 has been amended to recite the type and location of the trench, withdrawal of the rejection to claims 14-18 under 35 USC 112, second paragraph, is respectfully requested.

Rejection under 35 USC 102(b)

Claims 1, 2, 4, 6, 7, 19, 20 and 21 are rejected under 35 U.S. C. 102(b) as being anticipated by Ohshima et al. (5, 194,929). This rejection is respectfully traversed in view of the following remarks.

As the Examiner is well aware a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1, 6, 19, 20 and 21 have been amended to recite, *inter alia*, the limitation of "a deposited phosphorous doped oxide layer provided along substantially vertical edges of the first oxide layer, the first polysilicon layer, the second oxide layer and the second polysilicon layer, said phosphorous-doped oxide layer extending no higher than the second polysilicon layer." The phosphorous-doped oxide layer 22 of Ohshima et al., which does not extend higher than the second polysilicon layer 6 (FIG. 5C), is not deposited but formed through thermal oxidation (Col. 8, lines 22-25), ion doping (Col. 8, lines 30-35), and diffusion from PSG sidewalls 10 (Col. 8, lines 54-57). As such, Ohshima et al. fail to teach or suggest each and every element as set forth in claims 1, 2, 4, 6, 7, 19, 20 and 21, as amended. Accordingly, withdrawal on this rejection is respectfully requested.

Rejection under 35 USC 103(b)

Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Ohshima et al. in view of Riedel (US 6,732,241). This rejection is respectfully traversed.

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As mentioned above, the phosphorous-doped oxide layer 22 of Ohshima et al., which does not extend higher than the second polysilicon layer 6 (FIG. 5C), is not deposited but formed through thermal oxidation (Col. 8, lines 22-25), ion doping (Col. 8, lines 30-35), and diffusion from PSG sidewalls 10 (Col. 8, lines 54-57). As such Ohshima et al. fail to teach or suggest the limitation of "a deposited phosphorous doped oxide layer provided along substantially vertical edges of the first oxide layer, the first polysilicon layer, the second oxide layer and the second polysilicon layer, said phosphorous-doped oxide layer extending no higher than the second polysilicon layer" as set forth in claim 13, as amended. Riedel is cited for disclosing a computer having a system bus and a flash memory device. Accordingly, the combined teachings of Ohshima et al. and Riedel would fail to produce the recited invention of claim 13. As such, withdrawal of this rejection is respectfully respected.

Conclusion

The applicants believe that all claims are in condition for allowance. The examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response.

Respectfully submitted,
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